

REMARKS

***Claim Objections***

Claim objections for claims 17 and claim 21 were corrected in the claims above. Claim 7 also had a claim objection due to an informality, but Applicant believes that this is directed at claim 8 instead because the text identified in the Office Action was not present in claim 7. Accordingly, claim 8 was corrected as above. Applicants appreciate the Examiner's corrections.

***Claim Rejections – 35 U.S.C. § 112***

Claims 1-13, 15-18, 20 and 21 were rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended claims 1 and 21 to correct the references to the required application step. Therefore, Applicants respectfully request removal of this rejection.

***Claim Rejections 35 U.S.C. § 102 and 103***

Claims 1-3, 5-6 and 20 were rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Kubota et al. (US 5,698,284) and Rockrath et al. (US 6,835,420).

Kubota et al. relates to an optical recording medium. For the embodiment of Fig. 3 referred to in the Office Action, Kubota et al. describes the formation of three layers but does not indicate at any point the use of two drying steps – one each after the formation of the first and second layers. In fact, Kubota et al.'s first mention of a drying step is with regard to the embodiment of Fig. 4 where Kubota et al. indicates the three layers are simultaneously formed and are only then “delicately mixed together in the course of air drying or thermodrying, . . .”

Col. 14, lines 7-14. In other words, Kubota et al.’s only description of drying the layers is directed at drying all three layers at the same time – not separate drying steps occurring after formation of both of the first and second layers.

Rockrath et al. also does not teach drying steps occurring after formation of both of the first and second layers. Instead, Rockrath et al. indicates that a basecoat material is applied to a primer and then dried. Next, a clearcoat material is applied and then “the two films are cured together (wet-on-wet technique).” Col. 1, lines 39-51. As such, Rockrath et al. nowhere describes two separate drying steps where each occurs after the application of a layer.

In contrast to Kubota et al. and Rockrath et al., claim 1 requires at least two separate drying steps – each drying step occurring after an application step. The present application provides examples of the drying steps at page 7 – including exposing the layer to a gas or electrically fired dryer coupled with a large flow of air volume. As set forth above, Kubota et al. does not teach these required drying steps of claim 1. In addition, Rockrath et al. – whether alone or in combination with Rockrath et al. – also does not teach each of the required drying steps for claim 1.

The Office Action also states that “it would have been obvious . . . to have dried an applied layer before applying a subsequent layer since Kubota et al. teaches that a subsequent layer is applied on either a wet layer or on fully cured layer.” No citation in Kubota et al. is provided for this conclusion. Furthermore, as already set forth above, Kubota et al. does not teach at least two separate drying steps – each drying step occurring after an application step. Regardless, even assuming Kubota et al. contains such a statement or teaching, this does not render obvious claim 1. More specifically, the Office Action provides no explanation or support for how a teaching of “a subsequent layer being applied on either a wet layer or on fully cured

layer” teaches at least two separate drying steps – each drying step occurring after an application step as required by claim 1.

Therefore, Applicants respectfully traverse the rejection of claim 1 and its dependent claims 2-3, 5-6, and 20 for the reasons as set forth above.

Claims 1-13, 15-18, 20 and 21 were rejected under 35 U.S.C. §102(b) as being unpatentable over Kubota et al. in view of Maag et al. (US 6,472,026). However, as stated above and conceded in the Office Action, Kubota et al. does not teach drying of an applied layer before application of a subsequent layer. Maag et al. does not cure the deficiency of Kubota et al. Specifically, Maag et al. does not teach drying of an applied layer before application of a subsequent layer. The Office Action cites four places in Maag et al. for the proposition that “Maag et al. teaches . . . a process for forming a multilayer structure may be carried out in different ways.” However, as admitted in the Office Action, methods ii, iii, and iv relate to curing – not drying. In addition, method i) indicates the optional step of a “short flash-off” phase. However, as described in Maag et al., “flash-off” is no more than allowing solvent to evaporate from the solvent-based lacquers. See, e.g., Col. 1, lines 15-39.

In contrast to both Kubota et al. and Maag et al., claim 1 and claim 21 each require at least two drying steps where each step involves drying of an applied layer before application of a subsequent layer. These steps are simply not present in Kubota et al. or Maag et al. In addition, as described in the present specification at page 7, the drying steps of claims 1 and 21 contemplate the use of another energy source to dry the applied layers so that such are dry to the touch. Maag et al. does not teach any such drying step.

Therefore, Applicants respectfully traverse this rejection of claims 1 and 21 and dependent claims 2-13, 15-18, and 20 for the reasons as set forth above.

Claims 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kubota et al. and Rockrath et al. in view of Maag et al. (US 6,472,026) as applied to claim 1, further in view of Brack. Applicants respectfully traverse this rejection of claim 12 for the reasons as set forth above with regard to claim 1 and request withdrawal of this rejection.

Claim 13 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kubota et al. and Rockrath et al. or Kubota et al. in view of Maag et al. (US 6,472,026) as applied to claim 1, further in view of Ishikawa et al. Applicants respectfully traverse this rejection of claim 13 for the reasons as set forth above with regard to claim 1 and request withdrawal of this rejection.

Claims 16-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kubota et al. and Rockrath et al. or Kubota et al. in view of Maag et al. (US 6,472,026) as applied to claim 1, further in view of Suzuki et al. and further in view of Mizuguchi et al. Applicants respectfully traverse this rejection of claims 16-18 for the reasons as set forth above with regard to claim 1 and request withdrawal of this rejection.

Claim 20 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kubota et al. and Rockrath et al. or Kubota et al. in view of Maag et al (US 6,472,026) as applied to claim 1, further in view of Tulley et al. Applicants respectfully traverse this rejection of claim 20 for the reasons as set forth above with regard to claim 1 and request withdrawal of this rejection.

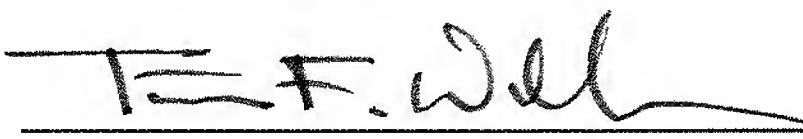
Application No. 10/528,220  
Amendment Dated December 30, 2008  
Reply to Office Action of October 2, 2008

Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Kubota et al. and Rockrath et al. or Kubota et al. in view of Maag et al. (US 6,472,026) as applied to claim 21 previously, further in view of Ishikawa et al. Applicants respectfully traverse this rejection of claim 21 for the reasons as set forth above with regard to claim 21 and request withdrawal of this rejection.

Continued examination and favorable action, therefore, is respectfully requested.  
Examiner Elena Tsoy Lightfoot is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Response.

Please charge any additional fees required by this Response to Deposit Account No. 04-1403.

Respectfully submitted,  
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